

REMARKS

INTRODUCTION

In accordance with the foregoing, claims 1-6 have been canceled without prejudice, claims 7-11 and 13 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 7-14 are pending and under consideration. Reconsideration is respectfully requested.

ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116

Applicant requests entry of this Rule 116 Response and Request for Reconsideration because rejected claims 1-6 have been cancelled, thereby at least reducing the issues for appeal. Additionally, Chaves reference applied to the claims is newly cited in the final Office Action, and Applicant should be provided the opportunity to present patentability arguments and amendments in view thereof.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTION UNDER 35 U.S.C. §102

In the Office Action at page 3, claims 1-11, 13 and 14 were rejected under 35 U.S.C. §102(b) as anticipated by newly-cited U.S. Patent Application No. 2001/0044769 by Chaves. This rejection is traversed and reconsideration is requested.

Amended independent claim 7 is directed to a remote negotiation apparatus which allows, before a sale of a vehicle, a first operation terminal used by a salesman of the vehicle and a second operation terminal used by a customer to bi-directionally communicate and remotely negotiate in real-time through a communication environment. In relevant part, amended independent claim 7 recites that "even when the selected storage state is the temporary storage state, said control unit prohibits the change of the contents when a degree of

the change of the contents of the commercial transaction document by the customer exceeds a predetermined range." Amended independent claim 13 is directed to a remote negotiation method of allowing, before a sale of a vehicle, a first operation terminal used by a salesman of the vehicle and a second operation terminal used by a customer to bi-directionally communicate and remotely negotiate in real-time through a communication environment, and has been amended to recite features similar to those of amended independent claim 7.

Thus, according to amended independent claims 7 and 13, a customer can change the contents of a commercial transaction document only when the document is stored in a temporary storage state. However, if a customer changes, for example, the model of engine desired in a vehicle, the price of the vehicle may also change. Similarly, a customer may make a change to the document which results in an impermissible combination of specifications or an unanticipated change in price. By prohibiting "the change of the contents [of the commercial document] when a degree of the change of the contents of the commercial transaction document by the customer exceeds a predetermined range," as recited in amended independent claims 7 and 13, a customer and salesman in negotiation may ensure that changes made to the document by the customer do not materially affect the commercial transaction document.

At page 4, the outstanding final Office Action asserts that paragraph 0128 of Chaves teaches that "During the negotiation process changes to the document are permitted. After the negotiation process is finalized changes are not permitted. Note that the negotiation process results in a binding contract." Applicant respectfully disagrees and submits that Chaves teaches only that a customer can change the contents of a bid until the dealer accepts the bid. Accordingly, Applicant respectfully submits that Chaves fails to teach or suggest that "even when the selected storage state is the temporary storage state, said control unit prohibits the change of the contents when a degree of the change of the contents of the commercial transaction document by the customer exceeds a predetermined range," as recited in amended independent claims 7 and 13. For at least this reason, Applicant respectfully submits that amended independent claims 7 and 13, and those claims depending directly or indirectly therefrom, patentably distinguish over the prior art and are in condition for allowance.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for

allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this amendment, please charge and/or credit the same to our deposit account no. 19-3935.

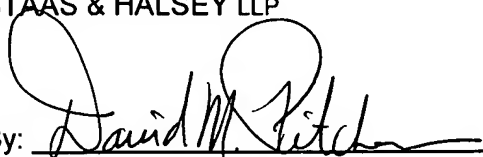
Respectfully submitted,

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Date:

September 15, 2005

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